

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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U.S. DISTRICT COURT
DISTRICT OF MASS.

PAN AMERICAN AIRWAYS CORP.,

Plaintiff/Counter-Defendant

v.

ROBERT E. BARNES

Defendant/Counter-Plaintiff

Case No. 04-CV-10515JLT

**MOTION IN OPPOSITION TO PLAINTIFF/COUNTER-DEFENDANT'S MOTION TO
DISMISS COUNT IV OF DEFENDANT/COUNTER-PLAINTIFF'S COUNTERCLAIM
AND TO COMPEL PLAINTIFF/COUNTER-DEFENDANT TO ANSWER COUNT IV
OF DEFENDANT/COUNTER-PLAINTIFF'S COUNTERCLAIM.**

NOW COMES Defendant/Counter-Plaintiff, Robert E. Barnes, by and through his attorney, and hereby moves this Court, pursuant to Fed. R. Civ. P. 7(b) and Local Rule 7.1, to dismiss Plaintiff/Counter-Defendant's motion to dismiss Count IV of Defendant/Counter-Plaintiff's counterclaim and to compel Plaintiff/Counter-Defendant to answer Count IV of Defendant/Counter-Plaintiff's counterclaim.

This motion is supported by Defendant/Counter-Plaintiff's Memorandum of Law and Defendant/Counter-Plaintiff's Affidavit.

Pursuant to Local Rule 7.1(A)(2), counsel hereby certifies that he and counsel for the Plaintiff/Counter-Defendant have conferred and attempted in good faith to resolve or narrow the issue.

Respectfully submitted,

Dated: June 10, 2004

A handwritten signature in cursive script that reads "Peter Piel".

Peter Piel
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